

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 HEW-08 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 AID-20 ACDA-19 AF-10 ARA-16 EA-11

EUR-25 NEA-11 OIC-04 DRC-01 /217 W

----- 126088

P 292302Z JAN 74

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC PRIORITY 2506

UNCLAS USUN 314

E.O. 11652: N/A

TAGS: SGEN

SUBJ: STATUS OF WOMEN COMMISSION--DRAFT DECLARATION ON
PROTECTION OF WOMEN AND CHILDREN IN ARMED CONFLICT

REF: USUN 298

1. TEXT OF DRAFT DECLARATION FORWARDED REFTEL INTRODUCED MONDAY, PM, JAN 28, BY BYELORUSSIAN DEL IN STATEMENT THAT ATTACKED BOTH ISRAEL AND CHILE, PARTICULARLY LATTER. HIGHLY POLITICAL DEBATE ON DRAFT WAS CONDUCTED THIS PM, JAN 29, MARKED BY SOVIET CRITICISM OF CHINESE FOREIGN POLICY; TRICKY STATEMENT BY EGYPTIANS IMPLYING THAT INTERNATIONAL RED CROSS SUPPORTED DRAFT DECLARATION WHICH IT DOES NOT, FORCEFUL U.S. STATEMENT OPPOSING DECLARATION (SEPTTEL), SPIRITED COUNTER-ATTACK BY CHILEAN REP (MISS ROMO ROMAN) UPON SOVIETS AND BYELORUSSIANS BOTH OF WHOM THEN EXERCISED RIGHT OF REPLY FURTHER TO EXCORIATE CHILEAN MILITARY JUNTA.

2. UK IN CONCISE, WELL DRAFTED STATEMENT, OBSERVED NEED FOR ORDERLINESS AND CAUTION IN FIELD OF INTERNATIONAL LAW AND SAW NO EVIDENCE OF EITHER IN PRESENT DRAFT DECLARATION WHICH THEY OPPOSED FOR 3 REASONS: 1) CSW IS NOT APPROPRIATE FORUM TO CONSIDER THIS ISSUE AND IT SERVES NO USEFUL PURPOSE FOR CSW TO
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PREEMPT WORK OF DIPLOMATIC CONFERENCE WHICH IS TO MEET IN GENEVA

NEXT MONTH; 2) ANY EFFORT TO SINGLE OUT GROUPS OF NON-COMBATANTS WHO NEED PROTECTION IN TIME OF WAR DETRACTS FROM EFFORTS TO PROTECT THEM ALL; AND, 3) IN CONSIDERING HOW TO PROTECT WOMEN AND CHILDREN IT WAS UNHELPFUL TO SPECIFY PARTICULAR KINDS OF ARMED CONFLICT.

3. LATE IN PM GUINEA INTRODUCED FOLLOWING REVISION OF TEXT FORWARDED REFTEL. MOST IMPORTANT CHANGES ELIMINATION OF LEGALLY INDEFENSIBLE 7TH PREAMBULAR PARA AND ITS REPLACEMENT BY UNEXCEPTIONABLE PARA WHICH MAKES BOW TO FORTHCOMING DIPLOMATIC CONFERENCE IN GENEVA.

4. REVISED DRAFT WILL PROBABLY BE PUSHED TO VOTE TOMORROW A.M.

"THE COMMISSION ON THE STATUS OF WOMEN

RECOMMENDS TO THE ECOSOC THE ADOPTION OF THE FOLLOWING DRAFT DECLARATION:

THE ECONOMIC AND SOCIAL COUNCIL,

RECOMMENDS TO THE GENERAL ASSEMBLY THE ADOPTION OF THE FOLLOWING DECLARATION:

"THE GENERAL ASSEMBLY,
EXPRESSING ITS DEEP CONCERN OVER THE SUFFERINGS OF WOMEN AND CHILDREN BELONGING TO THE CIVILIAN POPULATION WHO IN PERIODS OF EMERGENCY
AND ARMED CONFLICT IN THE STRUGGLE FOR PEACE, SELF-
DETERMINATION, NATIONAL LIBERATION AND INDEPENDENCE ARE TOO OFTEN THE

VICTIMS OF INHUMAN ACTS AND CONSEQUENTLY SUFFER SERIOUS HARM,
AWARE OF THE SUFFERING OF WOMEN AND CHILDREN IN MANY AREAS OF THE WORLD, ESPECIALLY IN THOSE AREAS SUBJECT TO SUPPRESSION, AGGRESSION, COLONIALISM, RACISM, ALIEN DOMINATION AND FOREIGN SUBJUGATION,

DEEPLY CONCERNED BY THE FACT THAT, DESPITE GENERAL AND UNEQUIVOCAL CONDEMNATION, COLONIALISM, RACISM, ALIEN AND FOREIGN DOMINATION CONTINUE TO SUBJECT MANY PEOPLES UNDER THEIR YOKE, AND CRUELLY SUPPRESSING THE NATIONAL LIBERATION MOVEMENTS AND INFLECTING
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HEAVY LOSSES AND INCALCULABLE SUFFERINGS ON THE POPULATIONS UNDER THEIR DOMINATION, INCLUDING WOMEN AND CHILDREN,
DEPLORING THAT GRAVE ATTACKS ARE STILL BEING MADE ON FUNDAMENTAL FREEDOMS AND THE DIGNITY OF THE HUMAN PERSON AND THAT COLONIAL AND RACIST FOREIGN DOMINATION POWERS CONTINUE TO VIOLATE THE INTERNATIONAL HUMANITARIAN LAW,
RECALLING THE RELEVANT PROVISIONS CONTAINED IN THE INSTRUMENTS OF INTERNATIONAL HUMANITARIAN LAW RELATIVE TO THE

PROTECTION

OF WOMEN AND CHILDREN IN TIME OF PEACE AND WAR,

NOTING THE SATISFACTION THE WORK OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS WHICH IS CURRENTLY PREPARING TWO ADDITIONAL DRAFT PROTOCOLS ON THIS SUBJECT, WITHIN THE FRAMEWORK OF THE DEVELOPMENT OF INTERNATIONAL LAW APPLYING TO THE PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICTS,

NOTING WITH SATISFACTION THAT THE SWISS FEDERAL COUNCIL HAS CONVENED

THE FIRST SESSION OF THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICT, TO BE HELD IN GENEVA FROM 20 FEBRUARY TO 29

MARCH 1974, AND WELCOMING AS AN EXCELLENT BASIS FOR DISCUSSION AT THE CONFERENCE THE ADDITIONAL DRAFT PROTOCOLS TO THE 1949 GENEVA CONVENTIONS PREPARED BY THE RED CROSS,

RECALLING ITS RESOLUTIONS 2444 (XXIII), 2597 (XXIV), 2674 (XXV) AND 2675 (XXV) ON RESPECT FOR HUMAN RIGHTS AND BASIC PRINCIPLES FOR THE PROTECTION OF CIVILIAN POPULATIONS IN ARMED CONFLICTS, AS WELL AS ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1515 (XLVIII) OF 28 MAY 1970 WHICH REQUESTS THE GENERAL ASSEMBLY TO CONSIDER THE POSSIBILITY OF DRAFTING A DECLARATION ON THE

PROTECTION OF WOMEN AND CHILDREN IN EMERGENCY AND WARTIME, AMONG OTHER IMPORTANT DOCUMENTS,

CONSCIOUS OF ITS RESPONSIBILITY FOR THE DESTINY OF THE RISING GENERATION AND FOR THE DESTINY OF MOTHERS, WHO PLAY AN IMPORTANT ROLE IN SOCIETY, IN THE FAMILY AND PARTICULARLY IN THE UPBRINGING OF CHILDREN,

SOLEMNLY PROCLAIMS THAT WITH A VIEW TO PROVIDE SPECIAL PROTECTION TO WOMEN AND CHILDREN BELONGING TO THE CIVILIAN POPULATION AND CALLS UPON MEMBER STATES TO STRICTLY OBSERVE THEM:

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1. ATTACKS AND BOMBINGS ON THE CIVILIAN POPULATION INFLECTING INCALCULABLE SUFFERING, ESPECIALLY ON WOMEN AND CHILDREN, WHO ARE THE MOST VULNERABLE MEMBERS OF THE POPULATION, SHALL BE PROHIBITED, AND SUCH ACTS SHALL BE CONDEMNED.

2. THE USE OF CHEMICAL AND BACTERIOLOGICAL WEAPONS IN THE COURSE OF MILITARY OPERATIONS CONSTITUTE ONE OF THE MOST FLAGRANT VIOLATIONS OF THE 1925 GENEVA PROTOCOL, THE 1949 GENEVA CONVENTIONS AND THE PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW AND INFLICT HEAVY LOSSES ON CIVILIAN POPULATIONS, INCLUDING DEFENCE-LESS WOMEN AND CHILDREN, AND SHALL BE SEVERELY CONDEMNED.

3. ALL STATES SHALL ABIDE FULLY BY THEIR OBLIGATIONS UNDER THE 1925 GENEVA PROTOCOL AND THE 1949 GENEVA CONVENTIONS, AS WELL AS OTHER INSTRUMENTS OF INTERNATIONAL LAW RELATIVE TO RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS, WHICH OFFER

IMPORTANT GUARANTEES FOR THE PROTECTION OF WOMEN AND CHILDREN.

4. ALL EFFORTS SHALL BE MADE BY STATES INVOLVED IN ARMED CONFLICTS, MILITARY OPERATIONS IN FOREIGN TERRITORIES AND IN TERRITORIES STILL UNDER COLONIAL DOMINATION TO SPARE WOMEN AND CHILDREN FROM THE RAVAGES OF WAR. ALL THE NECESSARY STEPS SHALL BE TAKEN TO ENSURE THE PROHIBITION OF MEASURES SUCH AS: PERSECUTION, TORTURE, PUNITIVE MEASURES, DEGRADING TREATMENT AND VIOLENCE, PARTICULARLY AGAINST THAT PART OF THE CIVILIAN POPULATION THAT CONSISTS OF WOMEN AND CHILDREN.

5. ALL FORMS OF REPRESSION AND CRUEL AND INHUMAN TREATMENT OF WOMEN AND CHILDREN, INCLUDING IMPRISONMENT, TORTURE, SHOOTING, MASS ARRESTS, COLLECTIVE PUNISHMENT, DESTRUCTION OF DWELLINGS AND FORCIBLE EVICTION, COMMITTED BY BELLIGERENTS IN THE COURSE OF MILITARY OPERATIONS OR IN OCCUPIED TERRITORIES SHALL BE CONSIDERED CRIMINAL.

6. WOMEN AND CHILD
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, WOMEN, CHILDREN, CITIZEN PROTECTION, WAR, MEETINGS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN00314
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974017/aaaaagky.tel
Line Count: 181
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: USUN 298
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 25 FEB 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 FEB 2002 by chappeld>; APPROVED <26 NOV 2002 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STATUS OF WOMEN COMMISSION--DRAFT DECLARATION ON PROTECTION OF WOMEN AND CHILDREN IN ARMED CONFLICT
TAGS: SGEN, IRC-3
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005